

DEPARTMENT OF PERSONNEL ADMINISTRATION

OFFICE OF THE DIRECTOR

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SACRAMENTO, CA 95811-7258

September 29, 2011

The Honorable Mark Leno
Chair, Joint Legislative Budget Committee
State Capitol, Room 4061
Sacramento, California 95814**RE: Bargaining Unit 18 California Association of Psychiatric Technicians (CAPT)
Amendment to Article 6.2 (B) of BU 18 MOU - Dept. of Mental Health Vacation Scheduling**

The Department of Mental Health (DMH) recently implemented a pilot "4/10/40" Alternate Work Schedule (AWS) for eight employees who work at Napa State Hospital's Central Staffing Office (CSO). DMH and CAPT recently concluded bargaining over the impact of the AWS pilot program. An outcome of the impact bargaining is that Article 6.2(B) of the BU 18 Memorandum of Understanding, relating to vacation scheduling at DMH, has been modified (page 2, item 9 of the attached) only as it pertains to the eight affected employees at Napa State Hospital's CSO.

The current maximum number of consecutive vacation days that an employee can use in a calendar year (32) is designed for a "5/8/40" work week schedule. Article 6.2(B) is modified to reflect DMH's "4/10/40" pilot AWS program. Consequently, the eight affected employees will be able to use up to twenty-six (26) consecutive vacation days in a calendar year, which is the "4/10/40" equivalent of the thirty-two consecutive vacation days for employees under the "5/8/40" work schedule.

The addendum is necessary so that DMH's vacation scheduling process is consistent with the "4/10/40" work week under the AWS pilot program. The modification to Article 6.2(B) solely involves the vacation scheduling process for the eight DMH employees under the pilot program. The addendum does not require an additional expenditure of funds.

DPA concurs with the addendum to Article 6.2(B) of the BU 18 MOU. The addendum will be effective as directed by the Joint Legislative Budget Committee.

If you have any questions, please contact Tom Dyer, Legislative Director at (916) 327-2348.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron'.

Ronald Yank
Director

Attachments

cc: Members, Joint Legislative Budget Committee

cc: Jody Martin, Principal Consultant
Joint Legislative Budget Committee

David Lanier, Chief Deputy Legislative Affairs
Office of Governor Brown

Mac Taylor, Legislative Analyst
Office of the Legislative Analyst

ecc: Nick Schroeder, Consultant
Office of the Legislative Analyst

Marianne O'Malley, Director Gen. Government
Office of the Legislative Analyst

Richard Gillihan, Asst. Program Budget Manager
Department of Finance

Craig Cornett, Chief Fiscal Policy Advisor
Office of the Pro Tem

Charles Wright, Chief Consultant
Office of the Pro Tem

Chris Woods, Budget Director
Office of the Speaker

Greg Campbell, Chief Consultant
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Seren Taylor, Staff Director
Senate Republican Fiscal Office

Chantele Denny, Consultant
Senate Republican Fiscal Office

Anthony Archie, Consultant
Assembly Republican Fiscal Office

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Senate Budget Committee

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Maureen Ortiz, Consultant
Senate Appropriations Committee

Geoff Long, Chief Consultant
Assembly Appropriations Committee

Roger Dunstan, Consultant
Assembly Appropriations Committee

Pamela Schneider, Consultant
Senate PE&R Committee

Karon Green, Chief Consultant
Assembly PER&SS Committee

Scott Chavez, Consultant
Senate Republican Caucus

Terry Mast, Consultant
Assembly Republican Caucus

Alene Shimazu, Chief
Fiscal Analysis, DPA

Julie Chapman, Chief
Labor Relations, DPA

Pam Manwiller, Deputy Chief
Labor Relations, DPA

Shawn Ramirez, Labor Relations Officer
Labor Relations, DPA

**AGREEMENT BETWEEN
CA DEPARTMENT OF MENTAL HEALTH, NAPA STATE HOSPITAL AND
CALIFORNIA ASSOCIATION OF PSYCHIATRIC TECHNICIANS
BARGAINING UNIT 18
REGARDING ALTERNATE WORK SCHEDULES FOR THE
CENTRAL STAFFING OFFICE**

Napa State Hospital will implement a 10-hour Alternate Work Shift (AWS) for employees that work in the Central Staffing Office (CSO). The classifications affected are two (2) Senior Psychiatric Technicians (SPT) and six (6) Psychiatric Technician Assistants (PTA). The 10 hour AWS will begin on September 1, 2011. Association of Psychiatric Technicians (CAPT) and the Department of Mental Health (DMH) Napa State Hospital (CSH) agree on the following:

1. "10-hour shifts" will be defined as 10 hour shifts plus a 60 minute unpaid meal period (total: 11 hours). Rest periods will be in accordance with Article 5.4 (Rest Periods). Example of shift schedule(s) are:

AM = 0400-1500
PM = 1430-0130
2. Both CAPT and DMH consider an AWS as a privilege, not a right. As such, employees who have unplanned absences and/or whose work performance is below acceptable standards may be removed from the AWS assignment.
3. Employees who have work hour limitations will not be eligible to participate in the AWS assignment or work in the CSO Office.
4. Current CSO employees will be allowed to select shift/cycle/RDO's based on total state service seniority.
5. Post and bid does not apply since no one in CSO holds a post and bid position and these are not vacancies.
6. Leave hours will be charged on an hour for hour basis, i.e. if the employee takes one regularly scheduled 10-hour day off, the employee will be charged 10 hours of the appropriate leave.
7. Holiday credit and compensation shall be in accordance with Article 6.1 (Holidays). Employees shall receive no more than eight (8) hours of holiday credit for any holiday.
8. The 2011 calendar year bid vacations for staff working a 10 hour AWS will be honored. Efforts will be made to accommodate previously approved ad-hoc/non-bid time off.

9. Article 6.2 (Vacation Leave) DMH Vacation Scheduling, Section B is modified as follows to ensure a fair and equitable vacation bid process for all BU 18 employees. All other parts of this Article still apply. For bidding purposes, one (1) vacation day is equivalent to 8-hours.

B: Between October 15 and November 15, employees shall be called upon in order of seniority to bid, subject to available posted vacation dates, one or two vacation period(s) for the upcoming calendar year as follows:

1. For one vacation period, it must be consecutive days not to exceed twenty-six (26) days of vacation days scheduled off during the vacation year.

2. For two vacation periods, each vacation period shall be for consecutive days. The two vacation periods combined shall not exceed twenty-six (26) days of vacation days scheduled off during the vacation year, and any one vacation period shall not exceed nineteen (19) vacation days schedule off. Each vacation period shall be separated by at least eighteen (18) days worked.

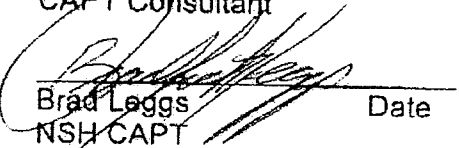
10. Management may cancel the pilot AWS with 30-day notice to CAPT. Upon termination of this AWS, employees will revert back to their prior schedule. If there are new employees that did not have a 5/8/40 schedule in the CSO prior to implementation of the 10 hours AWS, they will be allowed to select from the remaining 5/8/40 work schedules based on seniority in the CSO. In case of a tie, state sonority will be used to break the tie.

11. AWS employees may exchange days off/swap in accordance with Article 5.7.


12. An employee must follow the AWS for which they have been approved, in order to comply with the provisions of the Fair Labor Standards Act (FLSA). An employee may not switch or change their scheduled day off without terminating the AWS and completing a new agreement.


Ken Murch
CAPT Consultant

Date


Brad Leggs
NSH CAPT

Date


Steven A. Lederer
Assistant Chief, LR DMH

Date


Shawn Ramirez
DPA LRO

Date